

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Darren Shanks is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 19, 2020, the Court found that service of the complaint was appropriate as to Defendants Mendez and Lopez based on Plaintiff's allegations that they authored a false Rules Violation Report for participating in fight on August 2, 2018, because Plaintiff refused to provide information about the fight. (ECF Nos. 1, 13, 18, 19, 20.) Plaintiff contends he was not involved in the fight and the Rules Violation Report was later dismissed after he was found not guilty. (ECF No. 1.)

Defendants request clarification of the Court's screening order relating to Plaintiff's retaliation claim arguing, in pertinent part, that his claim is not based in response to filing a grievance and no protected conduct was identified. At the pleading stage, and assuming, without deciding, that Plaintiff

1 was exercising conduct protected by the First Amendment, Plaintiff's allegations are sufficient to give
2 rise to a retaliation claim against Defendants Mendez and Lopez for issuance of a false Rules
3 Violation Report for battery on inmate Anglin¹ because Plaintiff did not provide information relating
4 to the incident. Defendants shall file a response to the complaint within twenty-one (21) days from the
5 date of service of this order.

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7 IT IS SO ORDERED.

8 Dated: January 20, 2021



UNITED STATES MAGISTRATE JUDGE

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¹ Inmate Anglin was incorrectly identified as inmate Santos in the Court's September 9, 2020 screening order. (ECF No. 13.)